

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

|                                    |   |                           |
|------------------------------------|---|---------------------------|
| PEDRO RIVERA,                      | ) | CASE NO. 4:06 CV 2154     |
|                                    | ) |                           |
| Petitioner,                        | ) | JUDGE PATRICIA A. GAUGHAN |
|                                    | ) |                           |
| v.                                 | ) |                           |
|                                    | ) | <u>JUDGMENT ENTRY</u>     |
|                                    | ) |                           |
| ATTORNEY GENERAL OF UNITED         | ) |                           |
| STATES OF AMERICA, <u>et al.</u> , | ) |                           |
|                                    | ) |                           |
| Respondents.                       | ) |                           |

This Court having contemporaneously filed its Memorandum of Opinion in this case, it is therefore ORDERED that petitioner's claims pursuant to the APA, as well as the Ex Post Facto and Due Process Clauses are denied and this action is dismissed without prejudice for failure to exhaust administrative remedies regarding the BOP's interpretation of 18 U.S.C. § 3624. Further, the Court CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
PATRICIA A. GAUGHAN  
UNITED STATES DISTRICT JUDGE

Dated: 11/17/06